

# EXHIBIT 9

**In the Matter Of:**

**NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY**

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**DEPOSITION OF**

**DAVID CHASON**

*December 21, 2016*

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NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY  
DAVID CHASON on 12/21/2016

DEPOSITION OF

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT  
OF MASSACHUSETTS

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IN RE: NEW ENGLAND :  
COMPOUNDING PHARMACY, INC. :  
PRODUCTS LIABILITY LITIGATION: MDL NO. 2419  
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This Documents Relates to: : Master Docket  
:  
1:13-MD-02419-RWZ  
All Cases against the Box :  
Hill Defendants :  
:  
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DEPOSITION OF DAVID CHASON

WEDNESDAY, DECEMBER 21, 2016  
10:00 a.m.

Law Office of Peter G. Angelos  
One Charles Center  
100 North Charles Street  
Suite 2200  
Baltimore, MD 21201

Before: Linda Bahur, RPR



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NEW ENGLAND COMPOUNDING PHARMACY, INC. PRODUCTS LIABILITY  
DAVID CHASON on 12/21/2016

DEPOSITION OF  
Pages 118..121

<p style="text-align: right;">Page 118</p> <p>1 cetera.</p> <p>2 Q So when you said earlier that you didn't</p> <p>3 look into that or didn't have information related to</p> <p>4 that in answer to some of my questions, that wasn't</p> <p>5 entirely accurate, correct?</p> <p>6 MR. COREN: Objection to form.</p> <p>7 MR. MINTZER: Objection to form.</p> <p>8 A No. Your references were during the time</p> <p>9 that I was on the board, and this was during the time</p> <p>10 I was doing research regarding this assessment.</p> <p>11 Q Can we agree that NECC caused the</p> <p>12 contamination at issue here? You say that directly</p> <p>13 in your first paragraph, right?</p> <p>14 A I do.</p> <p>15 Q And there are a couple -- few other quick</p> <p>16 things I think we can probably agree to, but let me</p> <p>17 run through them.</p> <p>18 Can we agree that NECC had a duty to its</p> <p>19 customers to provide safe products?</p> <p>20 MR. COREN: Objection to form. You can</p> <p>21 answer.</p> <p>22 A Yes.</p> <p>23 Q Can we agree that NECC had a duty to</p> <p>24 provide safe products so that patients could also be</p> <p>25 safe?</p>	<p style="text-align: right;">Page 120</p> <p>1 A Right. Yeah.</p> <p>2 Q But can we agree that in producing these</p> <p>3 three lots of contaminated steroids that were at</p> <p>4 issue in the summer of 2012, that based on that, that</p> <p>5 NECC fell below the standard of care applicable to</p> <p>6 them?</p> <p>7 MR. COREN: Objection as to form. You can</p> <p>8 respond to that.</p> <p>9 A Yes.</p> <p>10 Q And can we agree that in the summer and</p> <p>11 fall of 2012, when this all happened, NECC failed in</p> <p>12 its duty to do all the things we just discussed?</p> <p>13 MR. COREN: Objection as to form.</p> <p>14 A Why are you asking the same question and</p> <p>15 then asking for a summary of the same question?</p> <p>16 Q I don't think I am, but I can strike that</p> <p>17 one because that may be redundant.</p> <p>18 A Yeah.</p> <p>19 Q Can we agree that NECC violated the law in</p> <p>20 these cases?</p> <p>21 MR. COREN: Objection as to form. You can</p> <p>22 respond.</p> <p>23 A Yes.</p> <p>24 Q Can we agree that NECC was not acting as a</p> <p>25 true traditional compounder, even though they called</p>
<p style="text-align: right;">Page 119</p> <p>1 MR. COREN: Objection to form. You can</p> <p>2 answer.</p> <p>3 A Yes.</p> <p>4 Q Can we agree that NECC had a duty to</p> <p>5 accurately represent the safety and quality of its</p> <p>6 products to customers and potential customers?</p> <p>7 MR. COREN: Objection to form. You can</p> <p>8 answer.</p> <p>9 A Yes.</p> <p>10 Q Can you agree that in producing the</p> <p>11 recalled lots of steroids, the contaminated lots of</p> <p>12 steroids in the summer and fall of -- summer or fall</p> <p>13 of 2012, that NECC fell below the standard of care</p> <p>14 applicable to them --</p> <p>15 MR. COREN: Objection.</p> <p>16 Q -- as a compounding pharmacist --</p> <p>17 compounding pharmacy?</p> <p>18 MR. COREN: Objection as to form. You can</p> <p>19 respond.</p> <p>20 A Please reask that question.</p> <p>21 Q Sure. No problem.</p> <p>22 A There was enough going on that I really am</p> <p>23 not sure I understood the question.</p> <p>24 Q Can we agree -- and this is kind of based</p> <p>25 on the other agree questions that I asked.</p>	<p style="text-align: right;">Page 121</p> <p>1 themselves a compounder, they were acting as a</p> <p>2 manufacturer?</p> <p>3 MR. MINTZER: Objection to form.</p> <p>4 MR. COREN: You can answer.</p> <p>5 A Yes.</p> <p>6 Q And can we agree that NECC's conduct in</p> <p>7 these ways caused injury to the patients in these</p> <p>8 cases?</p> <p>9 MR. MINTZER: Same objection.</p> <p>10 MR. COREN: Objection as to form.</p> <p>11 A Yes.</p> <p>12 Q I want to talk briefly about an entity</p> <p>13 called Medical Sales Management. Are you familiar</p> <p>14 with Medical Sales Management?</p> <p>15 A No.</p> <p>16 Q Okay. So there's been testimony in this</p> <p>17 case about Medical Sales Management. So I want you</p> <p>18 to assume, because it's supported in the evidence</p> <p>19 that -- it's also a fact -- that Medical Sales</p> <p>20 Management was also a part of the NECC cadre of</p> <p>21 companies all owned and operated by the same people,</p> <p>22 the Caddens and the Conigliaros.</p> <p>23 Can you assume that? It's a hypothetical</p> <p>24 question.</p> <p>25 MR. COREN: No, you can't. If you've got</p>



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